

## BEFORE THE IOWA BOARD OF HEARING AID SPECIALISTS

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Re:	)	Case No. 14-0332
Hearing Aid Specialist License of	)	
	)	
<b>David Meyer</b>	)	<b>STIPULATED STATEMENT OF</b>
License No. 001005	)	<b>CHARGES, SETTLEMENT</b>
RESPONDENT.	)	<b>AGREEMENT, and FINAL</b>
	)	<b>ORDER</b>

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The Iowa Board of Hearing Aid Specialists ("Board") and David Meyer ("Respondent") enter into this Stipulated Statement of Charges, Settlement Agreement, and Final Order ("Agreement") pursuant to Iowa Code sections 17A.10 and 645 Iowa Administrative Code chapter 12. The Board and Respondent stipulate as follows:

1. Respondent is a licensed hearing aid specialist in the State of Iowa, with license number 001005. His license is active and currently set to expire on December 31, 2018.
2. Respondent's license previously expired on December 31, 2014 and was reactivated on August 20, 2015. During the period in which Respondent's license was expired, Respondent continued to practice as a hearing aid specialist.
3. Between January 1, 2013 and May 18, 2015, a peer review found numerous consistent errors in audiograms performed by Respondent, including that bone conduction tests results, when obtained, were almost never masked even when there was significant audiometric asymmetry.
4. Between January 1, 2013 and May 18, 2015, a peer review also found Respondent conducted incomplete or incorrect examinations.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges below and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

## STATEMENT OF CHARGES

### **Count I**

1. Respondent is charged with representing himself as a licensed hearing aid specialist when his license was on inactive status in violation of Iowa Code sections 154A.18, 154A.24(3)(t), 147.55(9), and Iowa Administrative Code rule 645—124.2(31).

### **Count II**

2. Respondent is charged with negligence in the practice of the profession in violation of Iowa Code sections 154A.24(3)(m), 272C.3(2)(b), and Iowa Administrative Code rule 645—124.2(15).

## SETTLEMENT AGREEMENT and FINAL ORDER

1. Respondent agrees to **VOLUNTARILY SURRENDER** his hearing aid specialist license to resolve this matter.

2. This voluntary surrender is considered a revocation under 645 Iowa Administrative Code rule 12.1(5) for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of Board approval of this Agreement. Reinstatement requests are governed by 645 Iowa Administrative Code rule 11.31 and are at the sole discretion of the Board.

3. Respondent agrees not to perform any activities that would require an Iowa hearing aid specialist license until such time as his license is reinstated.

4. This Agreement shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

5. Should Respondent violate the terms of this Agreement, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 154A (2017) and 654 Iowa Administrative Code chapter 124.

6. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Agreement, it shall be the full and final resolution of this matter.

7. This Agreement, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22

and 272C.


8. This Agreement shall not be binding as to any new complaints received by the Board.

9. The Board's approval of this Agreement shall constitute a FINAL ORDER of the Board and shall have the force and effect of a disciplinary order entered following a contested case hearing. Execution of this Agreement constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement.

10. Respondent understands the Board is required by federal law to report any adverse action to the National Practitioner Data Bank.

11. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.

**WHEREFORE**, the terms of this Agreement are agreed to and accepted by the Iowa Board of Hearing Aid Specialists and Respondent.

  
David Meyer,  
Respondent

04-27-17  
Date

  
Chairperson  
Iowa Board of Hearing Aid Specialists

8-7-2017  
Date